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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,719	03/15/2004	Donald R. Klein	361-2US	9987

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EXAMINER

BRAHAN, THOMAS J

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,719

Applicant(s)

KLEIN, DONALD R.

Examiner

Thomas J. Brahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>27 September 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 8-19 have been renumbered as 7-18, as per 37 CFR 1.126.
2. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the resilient and non-slip material of claim 17 must be shown, or the feature must be canceled from the claims. No new matter may be entered.
3. The following is a quotation of the second paragraph of 35 U.S.C. § 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.
4. Claims 5-9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 5 the term "the lever arm" lacks antecedent basis within the claims.
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
6. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
7. Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Knowles (cited by applicant). Knowles shows a helicopter moving device, comprising:
a lever (22) having a fulcrum (84); and
a helicopter skid connector (20) attached to the lever (22) in a position such that movement of the lever in an arc about the fulcrum (84) causes a corresponding movement of the helicopter skid connector (20) that is capable of lifting a helicopter.
8. Claims 1-4, 10, 13 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Maxwell. Maxwell shows a helicopter moving device, comprising:
a helicopter support arm (43);
a lever arm (67) connected to the helicopter support arm at a joint and extending laterally away from the helicopter support arm; and
a wheel (63) mounted on the lever arm, in a position on the lever arm such that movement of the lever arm in an arc about the wheel causes a corresponding movement of the helicopter support arm that is capable of lifting a

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helicopter. There are plural clamps, on each side of the cradle (17), as recited in claims 2, 3, 13 and 18. The wheel provides the fulcrum, as recited in claim 4.

9. Claims 1-5, 10, 11, 13, 14 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by White. White shows a helicopter moving device, comprising:

a lever (9 or 32) having a fulcrum (16 or 34); and

a helicopter skid connector (48) attached to the lever (32) in a position such that movement of the lever in an arc about the fulcrum (34) causes a corresponding movement of the helicopter skid connector (48) that is capable of lifting a helicopter.

The skid connector comprises clamps (52), as recited in claim 2. The clamps are disposed at opposite ends of a support arm (4/4) connected to the lever (9) at a joint, as recited in claim 3. A wheel (17) provides the fulcrum, as recited in claims 4 and 10. A handle bar (19) is attached to the lever (9), as recited in claims 5 and 11. The support arm (4/4) has lateral ends with the clamps mounted thereto (through rails 3), as recited in claim 13. The clamps are laterally adjustable, as recited in claim 14.

10. Claims 6, 7 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over White in view of Knowles. White shows the basic claimed helicopter moving device, as detailed above, but varies from the claims by not having a drive mechanism. Knowles shows a similar helicopter moving device with a drive motor (34). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the moving device of White by providing it with a drive motor, as to have it self-driven, as taught by Knowles. The clamps of White are laterally adjustable, as recited in claim 7.

11. Claims 1-6, 10-13 and 15-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of Brutger (cited by applicant). McRae shows the basic claimed motorized apparatus having a wheel fulcrum lever (200) and for lifting and towing a vehicle. It varies from the claims as the towing connectors do not engage the skids of a helicopter. Brutger shows a similar tow apparatus with a pair of clamps (20) mounted on a support arm (16) for attachment to a helicopter. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the vehicle towing device of McRae by substituting a support bar with a pair of skid clamps for the support arm (232/244), as to have it engage and move a helicopter, as suggested and rendered obvious by Brutger. McRae has the wheels providing the fulcrum, as recited in claims 4 and 10. McRae has a handle bar (226/228), as recited in claims 5 and 11, and a motor (256) as recited in claims 6 and 12. The support arm of Brutger is pivotally attached to the lever with a pin, as recited in claim 15, with the pin considered as releasable, as recited in claim 16. The clamps of Brutger are lined with a resilient material (23), as recited in claim 17.

12. Claims 7-9 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McRae in view of Brutger, as applied to claims 1 and 10, and further in view of Roach. McRae, as modified, shows the basic claimed motorized tow apparatus, but varies from the claims by not having the clamps adjustable mounted on the support arm. Roach shows a similar towing device with adjustable clamps (136; see figure 5A). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the towing device of McRae by having the clamps laterally adjustable, for the versatility, as taught by Roach. The support arm of Brutger is

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pivotally attached to the lever with a pin, as recited in claim 8, with the considered as releasable, as recited in claim 9.

13. Able et al, Echols, Immel, Cummins, Burnside, Irwin and Stahancyk et al are cited as showing related towing devises.

14. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (571) 272-6928. The fax number for all patent applications is (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas J. Brahan
Primary Examiner
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